



COUNTY GOVERNMENT OF KITUI
THE COUNTY ASSEMBLY
SECOND ASSEMBLY – (THIRD SESSION)

ORDERS OF THE DAY

TUESDAY 12TH NOVEMBER 2019 AT 2.30 P.M.

PRAYERS

1. Administration of Oath;
2. Communication from the Chair;
3. Messages;
4. Petitions;
 - i. Petition on the encroachment and demarcation of Kitui South Game reserve- (*Hon Anthony John- M.C.A Mutha Ward*)
5. Papers;
6. Notices of Motions;
 - i. Motion on Approval of Membership to County Assembly Committees (*Chairperson, Committee on Selection*)
7. Statements;

COMMENCEMENT OF BUSINESS

8.*.MOTION FOR THE REMOVAL OF MEMBER OF COUNTY EXECUTIVE COMMITTEE FOR LANDS INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT-MR JACOB KAKUNDI (*Member of County Assembly- Kyome/Thaana ward*)

THAT, Pursuant to section 40 of the County Government Act and Standing Order No. 62 this assembly hereby approves the motion for the removal from office of the County Executive Committee Member (CECM) for Lands,

TUESDAY 12THNOVEMBER 2019

(097)

(226)

Infrastructure, Housing and Urban Development "Mr. Jacob Kakundi" on the following grounds:-

1. Gross violation of the Constitution and any relevant laws;-

a) Violation of Chapter Six of the Constitution (leadership and integrity) by managing his office in a manner which does not promote public confidence in the integrity of the office. That the CECM acted in an unscrupulous manner by hiring contractors to undertake bush clearing for the county roads but instead used the county village and ward administrators to mobilise local residents to perform the work as casuals in place of the contractors. This action amounts to a corrupt and fraudulent practice as outlined in Section 40 and 41 of the Public Procurement and Disposal Act.

That despite having performed the works, the casuals have up to date not been paid their wages in total contravention of section 17 and 18 of the Employment Act.

b) Failure to implement County Assembly's resolutions thereby hindering the Assembly's oversight role as provided for under article 185(3) of the Constitution. The CECM Lands has failed to implement resolutions as passed by the house in addition to failing to provide regular reports detailing the status of implementation. The CECM failed to implement the following;

- i. Motion on the Kitui County Access Roads Development Programme

(097)

(227)

- ii. Motion on regulation and management of street trade (hawking) and boda boda operators in Kitui and Mwingi towns
- iii. The department's budget especially on the part of Community Level Infrastructure Development Program (CLIDP) allocations of Kshs. 685M for the 2018/19 financial year.

2. INCOMPETENCE

Failure to ensure that the department's quarterly reports on the financial and non-financial performance of the entity are submitted to the County Assembly in accordance with the provisions of Article 183 (3) of the Constitution and section 166 of the Public Finance Management Act.

Also failure to coordinate proper service delivery to the people of Kitui through discriminative issuance of bull dozers to select wards rather than all wards for the last two years in contravention of the objects of devolution as contained under Article 174 of the Constitution.

3. ABUSE OF OFFICE

Unprocedural award of tenders to unqualified contractors who lack the requisite capacity needed to complete the works awarded, specifically the tender for the bush clearing exercise.

4. GROSS MISCONDUCT

The CECM has blatantly misled the County Assembly Sectoral Committee on Lands, Infrastructure and Urban Development on the involvement of village and ward administrators in the recruitment of personnel for the contracted bush clearing exercise for the 2018/19

TUESDAY 12TH NOVEMBER 2019

(228)

(097)

year. The CECM provided contradictory information on the same as contained in the letters dated 21st December, 2018 and 2nd July, 2019.

(Hon. Alex Mwangangi – **MCA**)

9.*.MOTION ON ADOPTION OF THE REPORT BY THE COMMITTEE ON TRADE, INDUSTRY, ICT AND COOPERATIVES ON THE STUDY VISIT TO DUBAI ON TRADE DEVELOPMENT FOR SUSTAINABLE ECONOMIC GROWTH-
(Chairperson, Committee on Trade, Industry, ICT and Cooperatives)

THAT, pursuant to the provisions of Standing Orders No. 179(6) and 190(5), this Assembly hereby adopts the report by the Committee on Trade, Industry, ICT and Cooperatives on the study visit to Dubai on Trade Development for Sustainable Economic Growth, laid on the table of the Assembly on Tuesday 5th November, 2019.

(Hon. James Musyoka- MCA)

(Resumption of debate interrupted during the Afternoon sitting of 6th November, 2019)

****Denotes order of the day****
